

State of Washington
Department of Ecology
Yakima Washington

IN THE MATTER OF APPLICATION FOR CHANGE BY)
PERKINS ORCHARD COMPANY INC)
REQUESTING A CHANGE IN THE PLACE OF USE) Emergency Drought
AND POINT OF DIVERSION OF WATER USE UNDER) Change Authorization
SURFACE WATER CERTIFICATE NO. S4-01196C)
)

In accordance with the provisions of RCW 43.83B.405, on March 14, 2001, it was ordered and determined by the Director of the Department of Ecology that the State of Washington is under drought conditions. In accordance with the provisions of WAC 176-166-060, the Department of Ecology is under the terms of this Order, issuing an EMERGENCY DROUGHT CHANGE AUTHORIZATION. The intent of this authorization is to alleviate hardships and reduce the burdens on water users arising from the drought conditions.

Background

On May 21, 2001, Perkins Orchard Co. Inc filed an application to change existing water rights in Okanogan County to other property in Douglas County. Irrigation on their lands is authorized under existing interruptible water rights subject to interruption under the Columbia River Instream Resources Protection Program, WAC 173-563. The application was assigned application number CS4-01196C@1.

WAC 173-166-080 allows the state to authorize temporary transfers of irrigation rights provided that the acreage on the second parcel does not exceed the acreage reduction on the first parcel.

Surface Water Certificate No S4-01196C

Surface Water Certificate No S4-01196C with a priority date of July 3, 1968 was issued to Perkins Orchard and authorizes the diversion of 5.0 cubic feet per second(cfs), and 785 acre-feet per year for the irrigation of 240 acres from the Columbia River. The point of diversion is located approximately 500 feet north and 1920 feet east of the southwest corner of Section 34, T. 30 N., R. 26 E.W.M. The place of use is described as:

Commencing at the W $\frac{1}{4}$ corner of Section 34, T. 30 N., R. 26 E.W.M.; thence S 85°51'50" E 754.28 feet to the true point of beginning; thence S 42°53'45" W 1672.37 feet; thence S 42°02'45" W 557.11 feet; thence S 45°08'45" W 423.27 feet; thence S 59°18'30" W 641.55 feet; thence N 42°29'15" W 2069.62 feet; thence N 47°30'45" E 5293.14 feet; thence S 24°32'45" E 4070.80 feet; thence S 08°00' W to the northerly bank of the Columbia River; thence southwesterly along said bank to a point that bears S 24°32'45" E from the point of beginning; thence N 24°32'45" W to the point of beginning; EXCEPTING therefrom that part lying within the W $\frac{3}{4}$ W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 34; Less Roads.

The applicant proposes to change the irrigation of 5 acres of non-interruptible water rights of Certificate No. S4-01196C to other property down river within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, T. 24 N., R. 21 E.W.M. in Douglas County.

The new place of use contains 5 acres located on property currently provided irrigation water under Surface Water Permit No. S4-29346P which is subject to interruption when the Columbia River falls below the minimum flow levels established in Chapter 173-563-040 WAC.

Permit No. S4-29346P authorized the irrigation of 25 acres located within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, T. 24 N., R. 21 E.W.M., EXCEPT right-of-way for highway purposes along the west line thereof and EXCEPT right-of-way conveyed to Public Utility District No. 1 of Chelan County, Washington for highway purposes by deed recorded January 2, 1959, in Volume 139 of Deeds, page 677, under Auditor's File No. 127838.

The new emergency points of diversion for Surface Water Certificate No. S4-01196C will be from the Columbia River approximately 65 miles down river and located approximately 100 feet south and 700 feet east from the center of Section 18, T. 24 N., R. 21 E.W.M.

Approximately 5 acres of irrigation will not occur on the authorized place of use this year under Surface Water Certificate No. S4-01196C and it is proposed that this amount of irrigation be transferred down river.

Conclusions and Decision

Authorizing these changes of water rights down river along the Columbia River will not impair existing water rights.

This **DROUGHT EMERGENCY CHANGE DECISION** authorizes the diversion of 0.1 cfs and 16.35 acre-feet per year under Surface Water Certificate No. S4-01196C to irrigate 5 acres in Douglas County. The point of diversion is located approximately 100 feet south and 700 feet east from the center of Section 18, within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, T. 24 N., R. 21 E.W.M.
The authorized place of use in Douglas County is described as follows:

The NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, T. 24 N., R. 21 E.W.M., EXCEPT right-of-way for highway purposes along the west line thereof and EXCEPT right-of-way conveyed to Public Utility District No. 1 of Chelan County, Washington for highway purposes by deed recorded January 2, 1959, in Volume 139 of Deeds, page 677, under Auditor's File No. 127838.

Provisions

The following provisions shall apply to this change authorization:

Within 15 days of receipt of this authorization, the applicant shall submit a map to Ecology showing the lands (5 acres) formerly irrigated under Surface Water Certificate No. S4-01196C that will not be irrigated under this right and the lands (5 acres) to be irrigated at the new place of use as a result of this change.

This authorization is subject to Washington Department of Fish and Wildlife juvenile salmon and gamefish screening criteria (pursuant to RCW 75.20.040). Please contact the Department of Fish and Wildlife, 600 Capitol Way N, Olympia, WA 98501-1091, Attention: Habitat Management Division, Phone: (360)753-3318 or call (509)575-2734 for the Yakima Screen Shop to obtain specific gamefish (trout, bass, etc.) requirements for your project. Juvenile salmon screening criteria are attached to the Report of Examination if applicable to your diversion.

A measuring device approved by the Department of Ecology must be installed prior to use of the water.

Bi-weekly (every 2 weeks) readings of the measuring device shall be recorded and shall include the date and time of measurement, water flow rate, volume of water, and the name of the person taking the meter readings. Within 30-days of the end of this irrigation season, the permittee shall send a copy of this data to the Central Regional Office.

This drought emergency authorization expires on October 31, 2001.

REPORT BY: Philip N. Kerr DATE: JUNE 8, 2001
Philip N. Kerr, Water Resources Program

APPROVED BY: [Signature] DATE: 6/8/2001
Robert F. Barwin, Section Manager

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Enclosure(s):